

AMENDED IN SENATE JANUARY 27, 2014  
AMENDED IN SENATE JANUARY 15, 2014  
AMENDED IN SENATE JANUARY 6, 2014  
AMENDED IN SENATE SEPTEMBER 11, 2013  
AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 579**

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**Introduced by Senator Berryhill**

February 22, 2013

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An act to add and repeal Section 4751 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Berryhill. Developmental services: Commission on Oversight Efficiency and Quality Enhancement Models.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements.

The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including residential facilities, adult day programs, small family homes, and group homes, by the State Department of Social Services.

Existing law requires the State Department of Public Health to license and regulate various types of health facilities, and requires the State Department of Public Health and the State Department of Developmental

Services to jointly develop and implement licensing regulations appropriate for intermediate care facilities/developmentally disabled-nursing and intermediate care facility/developmentally disabled-continuous nursing.

This bill would establish the Commission on Oversight Efficiency and Quality Enhancement Models to investigate methods of implementing a unified and consistent oversight and quality enhancement process that ensures the welfare, community participation, health, and safety of individuals with developmental disabilities who are served in programs licensed by the Community Care Licensing Division of the State Department of Social Services. The bill would require the process to also enhance accountability and quality review processes for the services directly provided by regional centers. The bill would require the Governor, Senate Committee on Rules, and the Speaker of the Assembly to appoint members to serve on the commission, as prescribed. *The bill would require the State Department of Developmental Services to provide staff support to the commission.*

The bill would require the commission to recommend a strategy for uniform data collection that provides reliable, valid, and actionable data from multiple stakeholder perspectives and that may be consistently deployed at regional centers. This bill would require the commission to review current regulations and relevant statutes to better focus on reliable data to measure outcomes for individuals served and the impact of services on the lives of individuals and their families, in accordance with prescribed characteristics. The bill would require the commission, by June 30, 2015, to determine the best methods for collecting input on relevant regulatory standards and statutes, and to request public input on those standards, as specified. The bill would require the commission to review and compile, by September 30, 2016, the input received and to submit, by December 31, 2016, a report on its recommended regulatory and statutory changes to the Legislature and the State Department of Developmental Services.

~~This bill would require the commission to propose, in its report, a process by which relevant regulations and statutes governing the Licensing and Certification Division of the State Department of Public Health may be reviewed by a future commission.~~

These provisions would be repealed on January 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4751 is added to the Welfare and  
2     Institutions Code, to read:

3     4751. (a) The Legislature finds and declares all of the  
4     following:

5     (1) Evaluation of the services that people with developmental  
6     disabilities receive from both service providers and regional centers  
7     is a critical component of the service system.

8     (2) There is evidence that the current system, in which three  
9     state-funded entities, the State Department of Developmental  
10    Services, the regional centers, and the Community Care Licensing  
11    Division of the State Department of Social Services, are charged  
12    with monitoring and maintaining quality services and supports for  
13    people with developmental disabilities, is duplicative and confusing  
14    and fails to produce data essential for service improvement.

15    (3) The efficiency and efficacy of the oversight and quality  
16    review processes can be significantly enhanced by unifying the  
17    current duplicative quality review system, thus conserving limited  
18    state and service providers' resources while simultaneously  
19    improving the lives of people with developmental disabilities in  
20    California.

21    (b) The Commission on Oversight Efficiency and Quality  
22    Enhancement Models is established to investigate methods of  
23    implementing a unified and consistent oversight and quality  
24    enhancement process. This process shall ensure the welfare,  
25    community participation, health, and safety of all those with  
26    developmental disabilities who are served in programs currently  
27    licensed by the Community Care Licensing Division of the State  
28    Department of Social Services. The commission shall give the  
29    utmost attention to ensure that the results of its work do not reduce  
30    the quality of oversight and monitoring of the health and safety of  
31    persons with developmental disabilities. This process shall also  
32    enhance accountability and quality review processes for the  
33    services directly provided by regional centers.

34    (c) The commission shall be composed of not more than 12  
35    members as follows:

36    (1) Three public members appointed by the Senate Committee  
37    on Rules, with one appointee who is from the advocacy community,

1 one appointee who is a provider of day program services, and one  
2 appointee who represents regional centers.

3 (2) Three public members appointed by the Speaker of the  
4 Assembly, with one appointee who is a consumer or family  
5 member, one appointee who is a provider of residential services,  
6 and one appointee who represents regional centers.

7 (3) Three public members appointed by the Governor with the  
8 consent of the Senate. The Governor shall request and consider  
9 nominations of persons from the advocacy community, the provider  
10 community, the regional center system, consumers and family  
11 members, and subject experts in data collection and licensing  
12 oversight for these appointments.

13 (4) The State Department of Developmental Services, the State  
14 Department of Social Services, and the California Health and  
15 Human Services Agency may each select a representative to  
16 participate on the commission.

17 *(d) The State Department of Developmental Services shall*  
18 *provide staff support to the commission.*

19 ~~(d)~~

20 *(e) The commission may appoint advisory groups to provide*  
21 *specialized input to assist the commission in its work.*

22 ~~(e)~~

23 *(f) The commission shall examine existing regulations and*  
24 *statutes, and recommend changes to the State Department of*  
25 *Developmental Services, as specified in subdivision-~~(g)~~ *(h).**

26 ~~(f)~~

27 *(g) (1) The commission shall recommend, and include in its*  
28 *final report, a strategy for uniform data collection that provides*  
29 *reliable, valid, and actionable data from multiple stakeholder*  
30 *perspectives and that may be consistently deployed at regional*  
31 *centers. The strategy shall address, to the fullest extent possible,*  
32 *all of the following:*

33 (A) Service provider and regional performance.

34 (B) Outcomes consistent with individual program plan goals.

35 (C) Flexibility of implementation.

36 (D) Field-based data entry and analysis.

37 (E) Documentation, measurement, and analysis of the strategy's  
38 implementation.

39 (F) Usage of data currently being collected by regional centers  
40 and the State Department of Developmental Services.

1 (G) Regional center and service provider resource needs to  
2 implement the strategy.

3 (2) The commission shall consider, but is not limited to, the  
4 experience, outcomes, and data provided by the National Core  
5 Indicators, the Agnews Developmental Center, and the Bay Area  
6 Quality Management System, and from current quality reviews of  
7 unlicensed Lanterman Developmental Disabilities Services Act  
8 support models, including family home agencies and supported  
9 living, in developing the strategy's structure, standards, and data  
10 collection methodologies.

11 ~~(g)~~  
12 (h) The commission shall review current sections in Titles 17  
13 and 22 of the California Code of Regulations and relevant statutes  
14 to better focus on reliable data to measure outcomes for individuals  
15 served and the impact of services on the lives of individuals and  
16 their families. Recommendations for the strategy and regulatory  
17 change shall reflect the following characteristics:

18 (1) Be lean, simple, efficient, and understood by the people  
19 served and those who serve them.

20 (2) Avoid unnecessary redundancies of process, permissions,  
21 oversight, and enforcement.

22 (3) Base objective reviews on quality standards that, in  
23 accordance with Lanterman Developmental Disabilities Services  
24 Act principles, address individual outcomes, including, but not  
25 limited to, health, safety, independence, choice, empowerment,  
26 inclusion, and participation in community life. Outcome measures  
27 are to be consistent with performance measures for regional centers.

28 (4) Base subjective reviews of the impact on individuals and  
29 families on satisfaction data collected by an independent third  
30 party that surveys a statistically significant sample of service  
31 providers and individuals and families providing or receiving those  
32 services.

33 (5) Shift the focus of quality efforts to a service enhancement  
34 model that encourages and recognizes service provider and regional  
35 center improvements.

36 (6) Include multiple options for proactive consumer protections,  
37 including screening for qualified providers, an emphasis on an  
38 evolving improvement system of coaching and mentoring service  
39 providers toward quality, and an immediate response capacity to  
40 address people in imminent danger.

(7) Report aggregate service and individual outcomes to highlight excellence, innovation, and satisfaction in the services provided and in the lives of individuals with developmental disabilities.

(8) Enhance transparency, accountability, quality standards, and measurement processes for the services directly provided by regional centers consistent with regional center performance contracts.

(9) Provide consumers, families, service providers, and regional center staff the opportunity to participate in system evaluation.

(10) Ensure that the results of oversight, quality enhancement, and assurance review activities are available in plain language to people with developmental disabilities and their families so they can be informed consumers of the services that they receive.

~~(h)~~

(i) (1) On or before June 30, 2015, the commission shall determine the best methods of collecting input on relevant statutes and sections of Titles 17 and 22 of the California Code of Regulations.

(2) These methods shall include, but not be limited to, the following:

(A) At least two public meetings, with one meeting held in southern California and one meeting held in northern California.

(B) The electronic submission of comments.

(3) The commission shall request public input concerning the revision, retention, or removal of relevant statutes and sections of Titles 17 and 22 of the California Code of Regulations affecting only programs meeting both of the following:

(A) Under the partial or exclusive oversight of the Community Care Licensing Division of the State Department of Social Services.

(B) Provide services and supports exclusively or primarily to persons with developmental disabilities.

(4) The commission shall solicit comment on issue areas including, but not limited to, the following:

(A) Certification and vendorization processes.

(B) Complaints.

(C) Quality oversight and monitoring requirements.

(D) Decertification and devendorization processes.

(E) Conflict and duplication in statutes and regulations.

~~(i) (1)~~

1 (j) On or before September 30, 2016, the commission shall  
2 review and compile the input received based on its relevance to  
3 the criteria described in subdivision ~~(g)~~ (h). On or before December  
4 31, 2016, the commission shall submit to the Legislature and the  
5 State Department of Developmental Services a report on its  
6 recommended changes to Titles 17 and 22 of the California Code  
7 of Regulations and any recommended statutory changes. The  
8 commission shall also recommend, based on input received, the  
9 most effective entity or entities for enforcing the regulations.

10 ~~(2) In its report, the commission shall propose a process by~~  
11 ~~which relevant regulations and statutes governing the Licensing~~  
12 ~~and Certification Division of the State Department of Public Health,~~  
13 ~~guided by the criteria described in subdivision (g), may be reviewed~~  
14 ~~by a future commission if one is established.~~

15 (j)

16 (k) A report to be submitted pursuant to subdivision ~~(i)~~ (j) shall  
17 be submitted in compliance with Section 9795 of the Government  
18 Code.

19 ~~(k)~~

20 (l) This section shall remain in effect only until January 1, 2018,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2018, deletes or extends that date.